

Appl. No. 10/652,325
Atty. Docket No. 9350
Amdt. dated 5/9/2005
Reply to Office Action of 3/25/2005
Customer No. 27752

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings includes changes to Fig. 1 and Fig. 3. These sheets replace the original sheets including Fig. 1 and Fig. 3. In Fig. 1, Applicants have amended Fig. 1 to add reference numerals 100 and 200. In Fig. 3, Applicants have amended Fig. 3 to incorporate the call out 236 directed toward the open chamber of pin pad 230.

Attachment: Replacement Sheets

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REMARKS

The paragraph beginning on page 6, line 7 of the specification has been amended to remove reference to call out 146, no new matter is presented in the specification.

Claims 2 and 6 have been cancelled without prejudice. Claims 9-19 have been withdrawn pursuant to the Examiner's Restriction Requirement under 35 U.S.C. §121 on March 25, 2005. Claims 1, 3, 5, 7, and 8 have been amended to remedy various objections by the Examiner under 35 U.S.C. §112. Claim 1 has also been amended to incorporate the limitations presented in original Claim 6. No new matter has been presented in amended Claims 1, 3, 5, 7, and 8.

Additionally, Applicants are presenting new claims 20-24. Support for new Claim 20 is found in Claims 1, 3, and 4 as originally presented. Support for new Claims 21-24 is found in Claims 5-8 as originally presented. Claims 1, 3-5, 7-8, and 20-24 remain pending in the instant application and are presented for the Examiner's review in light of the above amendments in the following comments:

Restriction Requirement

The Examiner has required restriction as to Claims 1-8 (Group I) and Claims 9-19 (Group II) because the inventions are distinct. In short, the Examiner contends that the Claims of Groups I and II are distinct because they are related as process and apparatus for its practice. For the purpose of compliance with the election request and to expedite prosecution, Applicants elect, with traverse, Group I encompassing Claims 1-8.

Applicants believe that the Examiner's Restriction Requirement is improper in light of M.P.E.P. §§802.01, 803, and 806. "There are two criteria for a proper determination for restriction between patentable, distinct inventions: (1) The inventions must be independent ... or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required."

M.P.E.P. §802.01 defines "independent" as "having no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect. . . ." Applicants respectfully submit that there is a disclosed relationship among the claims of Group I and Group II. Each Group utilizes a certain novel and unobvious bedroll and chop off roll. Thus, the process claims should not be

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restricted from the apparatus claims as the Examiner requires. Thus, at a minimum, the subject of the instant Groups do not meet the standard of an "independent" invention as required by M.P.E.P. §802.01 for a proper restriction requirement.

The second criteria which must be met pursuant to M.P.E.P. §803, requires a serious burden on the Examiner for restriction to be required. In this instance, since the present claims are directed toward an apparatus and method for separating a web material at a line of weakness comprising, *inter alia*, a bedroll and a chop off roll, searching the art would necessarily involve the body of art classified under both class 242, sub-class 521 and class 225, sub-class 4. Applicants respectfully assert that the Examiner can, and in fact should, be able to search the present invention without serious burden. The instant Groups should not be restricted by requiring the Examiner to perform the same search twice. The apparatus and process for separating a web material is novel and unobvious. Therefore, the novel and unobvious apparatus and method for separating a web material are as a matter of law, novel and unobvious and should not require further searching.

Therefore, as required by M.P.E.P., the instant Groups are not independent inventions. Further, prosecuting the present invention without the Examiner's restriction does not impose a burden upon the Examiner. As such, neither of the two criteria necessary for the Examiner to establish a restriction requirement has been met. Thus, the restriction requirement, as presented, is improper under current M.P.E.P. guidelines.

35 U.S.C. §112 Rejection

Claims 1-8 have been rejected under 35 U.S.C. §112, ¶2, for various informalities. Applicants have amended Claims 1, 3, 5, 7, and 8 and have cancelled Claims 2 and 6 herein. Applicants believe the current amendments to Claims 1, 3, 5, 7, and 8 to be fully responsive to the Examiner's rejections under 35 U.S.C. §112, ¶2 and respectfully request the Examiner to withdraw this rejection.

Drawings

The Examiner has objected to the drawings under 37 C.F.R. §1.84(p)(5). Applicants have amended Fig. 3 to incorporate call out 236 directed toward the open chamber of pin pad 230. With regard to numeral 146, described on page 6, line 10, Applicants have amended the paragraph beginning on page 6, line 7 to remove reference to call out 146. Applicants are submitting copies of the corrected drawing sheets compliant with 37 C.F.R. §1.121(d) for the Examiner's convenience.

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With regard to the Examiner's objection to the drawings under 37 C.F.R. §1.83(a), Applicants concur with the Examiner that 37 C.F.R. §1.83(a) requires every feature of the invention specified in the claims to be shown. However, amended Claim 1 claims, *inter alia*, a bedroll comprising at least one web pin and at least one bedroll blade. It is clear from Fig. 1 that at least one bedroll blade (140) is shown. Thus, the drawings support Applicants' claimed invention comprising at least one bedroll blade. However, Applicants are at a loss to understand how the drawings can provide support for the limitations present in the broad claim yet not provide support for any dependent claims presented. Accordingly, Applicants respectfully request the Examiner to reconsider and remove the objection to the drawings under 37 C.F.R. §1.83(a).

35 U.S.C. §102 Rejection

The Examiner has rejected Claims 1-3 and 5 under 35 U.S.C. §102(b) over McNeil, U.S. Patent No. 4,919,351. Applicants respectfully traverse this rejection for the following reasons:

1. Applicants' newly amended Claim 1 requires the claimed at least one bedroll blade to be provided with a serrated web contacting edge. This limitation was presented as original Claim 6.
2. In the Office Action dated March 25, 2005, the Examiner indicated that Claim 6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §102, paragraph 2.

In light of the above amendment, Applicants believe currently amended Claim 1 to be in allowable form. Therefore, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. §102(b) to Claim 1 and all claims dependent thereon.

Conclusion

Based on the foregoing, it is respectfully submitted that each of Applicants' remaining claims are in condition for allowance and favorable reconsideration is requested.

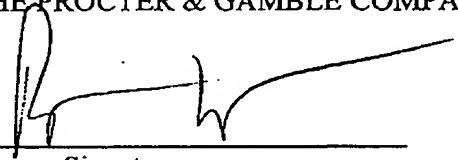
This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §513, and no additional fees are believed due. If any additional charges are due, the Examiner is authorized to deduct such charge from our Deposit Account No. 16-2480 is the name of The Procter & Gamble Company.

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Respectfully submitted,

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By


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Customer No. 27752